IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

CRP.No. 1220 of 2005()

CMA.48/2005 of ADDL.DISTRICT COURT,KOTTAYAM
IA 1920 2005 in IP.9/2005 of PRL.SUB COURT,KOTTAYAM

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REVN. PETITIONERS:
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1. K.M.PHILIP, RESIDING AT 12-A SILVER ARCH 66, NEPEAN SEA ROAD, MUMBAI 400 006.

2. DR.K.O.MAMMEN, RESIDING AT 10, WALTON ROAD, BANGALORE 560 001.

3. P.GEORGE VARGHESE, RESIDING AT O/E/N/ CONNECTORS LTD., P.B.NO.2. VYTTILA, KOCHI 682 019.

4. ASHOK KURIAN, RESIDING AT AHSOK BAHVAN, MOUNT WARDHA, KANJIKUZHY, MUTTAMBALAM P.O. KOTTAYAM.

5. D.G.NAYAR, RESIDING AT 2C, ANUGRAHA APARTMENTS 1, NUNGAMBAKKAM, CHENNAI 600 034.

6. N.D.ACHIAH, C-3, MADURA TENACE, 72, NEW AADI ROAD, KILPAUK, CHENAI 600 010.

7. GEORGE KURUVILA, RESIDING AT VAIRAMS, 112 THYAGARAJA ROAD, T.NAGAR, CHENNAI 600 017.

8. REENU ZACHARIAH, RESIDING AT ASHOK BHAVAN, MOUNT WARDHA, KANJIKUZHY, MUTTAMBALAM,PO, KOTTAYAM.

BY ADV. SRI.JOSEPH KODIANTHARA
SRI.MATHEWS K.UTHUPPACHAN

RESPONDENTS: PETITIONERS.
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1. K.I.PHILIPOSE, S/O.IDICULLA, AGED 62,
RESIDING AT PEACE VALLEY HOUSE, VADAVATHOOR P.O.
MANGANAM KARA, VIJAYAPURAM VILLAGE, KOTTAYAM
TALUK AND DISTRICT.

2. ANNAMMA PHILIPOSE, W/O.K.I.PHILIPOSE,
AGED 59 YEARS, RESIDING AT PEACE VALLEY HOUSE,
VADAVATHOOR P.O. MANGANAM KARA, VIJAYAPURAM
VILLAGE, KOTTAYAM TALUK AND DISTRICT.

3. SHINY KORAH, W/O.THOMAS.M. JOSHUA,
AGED 37 YEARS, RESIDING AT MALAYIL THAZHETHIL
HOUSE, PALLIK KARA, NATTAKAM VILLAGE, KOTTAYAM
TALUK AND DISTRICT.

BY ADV. SRI.JOSE PALLATTUKARAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON IA 3486/05 IN CRP 1220/05

DISMISSED.

SD/- M.N.KRISHNAN,JUDGE.

22/11/2007

M.N.Krishnan, J.

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C.R.P.No.1220 of 2005

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Dated this the 22nd day of November, 2007.

ORDER

This Civil Revision Petition is preferred against the order of the Additional District Judge, Kottayam in C.M.A.No.48 of 2005. Insolvency Petition No.9 of 2005 was filed for the purpose of declaring the respondents as insolvent. Along with the application, they filed an application, I.A.No.1920 of 2005 in I.P.No.9 of 2005 for appointment of an Official Receiver. The court found that the liability of the respondents in the I.P. is alleged to be more than Rs.1.50 crores. Therefore, the court appointed the District Official Receiver as interim Receiver to prepare an inventory of the assets of the respondents and the court ordered notice to the parties. Against that order a C.M.A. was preferred. The appellate court confirmed the same. Now it is against the above order that the present Civil Revision Petition is filed.

2. At the outset, I may state that the petitioners herein should have filed their counter and requested trial court to hear the matter on merits. But instead of doing the same they moved the appellate court against the interim order and it was confirmed. Therefore, I do not want to interfere with the order which is passed now for the time being. But I make it clear that a final adjudication on the interim application is to be done by the court below and therefore, the revision petitioners herein are permitted to file their counter statement, if not already filed and the learned Subordinate Judge is directed to consider I.A.No.1920 of 2005 on merits after hearing both sides and dispose of the matter in accordance with law.

Civil Revision Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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